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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,349	03/24/2004	Tatsuyoshi Maruyama	023484-0162	5377

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,349

Applicant(s)

MARUYAMA ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 23-33 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9, 12, 14, 15, 17, 18 and 21 is/are rejected.
- 7) ☒ Claim(s) 4, 8, 10, 16, 19, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for the serial number 10/807,349, STRUCTURE FOR FIXING STEERING-GEAR HOUSING, filed on 3/24/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-7, 9, 12, 14-15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 4,314,710 to Kamoshita et al.

Kamoshita et al. teaches a structure (figure 3) comprising a first bracket (12) comprising a first supporting face supporting one circumferential side face of the steering-gear housing (2), a first abutting face arranged at one circumferential end and abutting on the vehicle-body member (11), a first bolt hole (located where the top bolt is secured therethrough in figure 3) arranged through the first abutting face, and a second abutting face arranged axially opposite to the first abutting face through the first bolt hole. The structure includes a second bracket (14) comprising a second supporting face supporting another circumferential side face of the steering-gear housing, a third abutting face arranged at one circumferential end and abutting on the second abutting face, and a second bolt hole arranged through the third abutting face at a position corresponding to the first bolt hole. The structure includes a member (15) for securing another

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circumferential end of the first bracket and another circumferential end of the second bracket.

The structure includes a bolt (upper bolt of figure 3) arranged from the second bolt hole through the first bolt hole and that is configured to be inserted through a third bolt hole formed in the vehicle-body member to clamp together the first bracket, the second bracket and the vehicle-body member. The structure includes a cylindrical resilient member (13) arranged between the first and second brackets and the steering-gear housing. The resilient member is formed with a protrusion (adjacent to element 23) on an outer periphery and the second supporting face is formed with a concave engaged with the protrusion. The resilient member is formed with an incision (opening area adjacent to element 23).

Kamoshita et al. teaches the third abutting face but fails to teach the second bolt hole being smaller in an axial length than the first bolt hole. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the size of the second bolt hole smaller in the axial length than the first bolt hole to reduce the length of bolt for connecting the two brackets together.

In regards to claim 2, Kamoshita et al. teaches the first bolt hole but fails to teach the first bolt hole has an axial length larger than a radius of the steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the size of first bolt hole length larger than the radius of the steering-gear housing to provide designer's preference for the length of hole for retaining a long bolt.

In regards to claim 3, Kamoshita et al. teaches the second bolt hole but fails to teach the second bolt hole comprises a slot. It would have been obvious for one of ordinary skill in the art

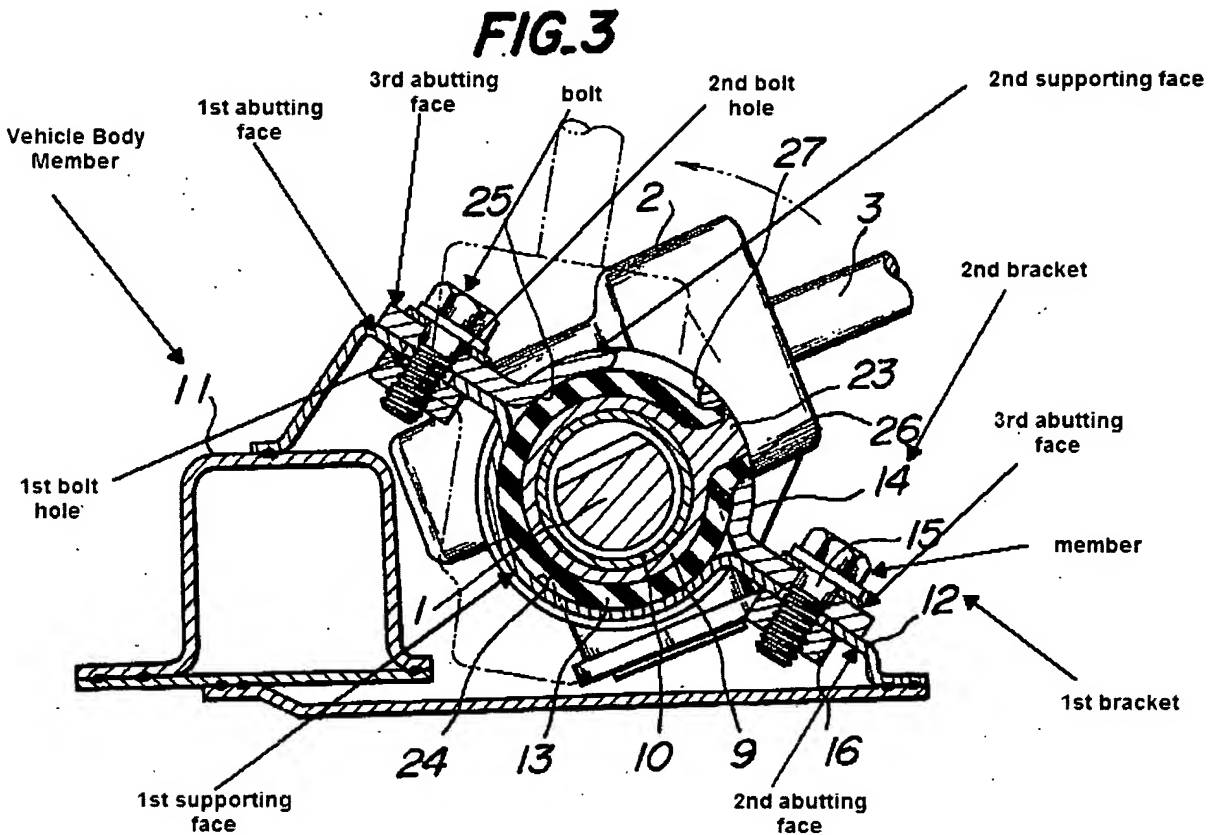
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at the time the invention was made to have added slot in the second bolt hole to provide adjustable support for allowing the bolt to mount therethrough.

In regards to claim 14, Kamoshita et al. teaches the first bolt hole but fails to teach the first bolt hole has an axial length larger than a radius of steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of first bolt hole larger than the radius of steering-gear housing to increase the stress life on the first bracket from a long period of vibration from engine mounted on frame.

In regards to claim 15, Kamoshita et al. teaches the second bolt hole of the second bracket but fails to teach the second bolt hole is a slot. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the second bolt hole to slot to provide convenience for adjusting the second bracket while the bolt is connected to the first and second brackets.

See drawing of Figure 3 from Kamoshita et al.'s invention for clarification:



Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamoshita et al. in view of US Patent # 4,020,531 to Ahrens et al.

Kamoshita et al. teaches the second bracket but fails to teach the second bracket is formed out of a sheet resilient material. Ahrens et al. teaches the bracket (8') is formed out of a sheet resilient material (col. 6, lines 60-61). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kamoshita et al.'s second bracket with sheet resilient material as taught by Ahrens et al. to provide flexibility in the bracket for mounting on a movable cylindrical object.

Response to Arguments

Applicant's arguments filed 2/23/06 have been fully considered but they are not persuasive.

With respect to applicant's argument on pages 11-12 stating that neither Kamoshita nor Ahrens shows "a third bolt hole formed in the vehicle-body member to clamp together the first bracket, the second bracket and the vehicle-body member." The examiner disagrees because it is obvious to have added or created hole in the vehicle-body member to provide additional support for retaining the steering housing onto the vehicle-body member. If the hole in the vehicle body is created, it would be obvious to increase the length of the bolt to pass through the vehicle body. "Third bolt hole" is considered function because the applicant stated "that is configured to be inserted through a third bolt hole formed in the vehicle-body member" and that the reference (Kamoshita) needs to have the ability of performing this function for creating or adding hole in the vehicle body for securing bolt from the bracket.

Allowable Subject Matter

Claim 13 and 23-33 are allowed.

Claims 4, 8, 10, 16, 19-20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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In regards to claim 4, the prior art fails to teach wherein the first bracket comprises a protrusion arranged at an edge of the first abutting face, the protrusion being engaged in a concave formed in the vehicle-body member. In regards to claim 8, the prior art fails to teach wherein the concave of one supporting face is arranged at a connection between the first and second brackets. In regards to claim 10, the prior art fails to teach wherein the incision of the resilient member is arranged at a connection between the first and second brackets. In regards to claim 16, the prior art fails to teach the protrusion being engaged in a concave formed in the first bracket. In regard to claims 19-20 and 22, the prior art fails to teach wherein one of the first and second supporting faces is formed with a concave engaged with the protrusion. In regard to claims 13 and 23-33, the prior art fails to teach the member/ means for securing, which secures the another circumferential end of the first bracket and the another circumferential end of the second bracket, is not configured to be secured to the vehicle body.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
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A handwritten signature in black ink, appearing to read 'A. Joseph Wujciak III', with a stylized, overlapping flourish at the end.

12/12/05